

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

NORTHERN DYNASTY MINERALS
LTD. and PEBBLE LIMITED
PARTNERSHIP,

Plaintiffs,

v.

U.S. ENVIRONMENTAL
PROTECTION AGENCY

Defendant.

Case No. 3:24-cv-00059-SLG

DECLARATION OF EMILY ANDERSON

I, Emily Barrett Anderson, state and affirm as follows:

1. I make this declaration in support of Wild Salmon Center's Motion to Intervene in the above-captioned litigation. I know these facts of my own personal knowledge and would competently testify to them if called as a witness in these proceedings.

2. I have a JD and a Master of Studies in Environmental Law from Vermont Law School. I have worked for over seventeen years as an environmental attorney and legal consultant specializing in water law and fish habitat protection. I have also worked as an environmental educator and canoe guide.

3. I am the Alaska Director for the Wild Salmon Center and have been in this position for ten years. I am responsible for the overall strategic direction for our Alaska program. I have a variety of responsibilities including legal support, science and technical work, fundraising, lobbying, grassroots outreach, and grassroots outreach support.

4. Wild Salmon Center is a 501(c)(3) nonprofit organization headquartered in Portland, OR, with satellite offices in Port Angeles, WA and Anchorage, AK. We have 39 staff members and 14 board members. We have a current active email list of 16,333 supporters, 1,014 of which directly engaged on the Pebble Mine issue by commenting on the U.S. Environmental Protection Agency's (EPA) 2017 proposal to withdraw its 404(c) Proposed Determination. Since 2021, 5,321 supporters have engaged on EPA's 404(c) related actions. Wild Salmon Center is a science-based, international conservation organization whose mission is to promote the conservation and sustainable use of wild salmon ecosystems across the Pacific Rim.

5. Wild Salmon Center has worked to oppose the proposed Pebble Mine for the last ten years. We focus on protecting salmon strongholds—the last best places around the Pacific Rim where wild salmon have the best chance of maintaining viable populations for future generations. Bristol Bay is the ultimate salmon stronghold and one of the last remaining places in the world where wild salmon thrive. The protection of Bristol Bay and the habitat that wild salmon depend on is critical to Wild Salmon Center's mission.

6. Our program goals with regard to the Bristol Bay watershed and the proposed Pebble Mine are to stop the mine and secure protection for the Bristol Bay fishery to sustain strong commercial, recreational, and subsistence fisheries and the communities that depend on them.

7. Specifically, Wild Salmon Center has issued a 2012 report on the proposed Pebble Mine's impacts, co-authored the Citizens' Alternative Bristol Bay Area Plan, submitted comments on federal permitting processes related to the proposed Pebble Mine, provided support for technical and scientific experts working on the issue, provided communications support on the issue, engaged in lobbying in Washington, D.C., provided support for an Alaska rally against the proposed Pebble Mine, tabled at events across the lower 48, and done outreach on the issue at events such as commercial fishing expos and outdoor retailer events. We continued to work with scientific experts to provide comments on EPA's Revised Proposed Determination and engaged 5,321 supporters to take action. We fully supported EPA's 404(c) Final Determination (Final Determination) that is challenged in this case because it protects the Bristol Bay watershed from large-scale mining, such as the proposed Pebble Mine, which would irreparably impact the area's wetlands, waters, and fish that depend on them.

8. Our staff and board members spend time in the Bristol Bay watershed. One board member co-owns a lodge in King Salmon, which he visits for two weeks every year to fish. He has hosted at least seven other board members and seven staff members

over the years. Another board member owns a house outside of Dillingham on Lake Aleknagik and spends time with his family between that property and his house in Chugiak. At least four staff and board members have plans to return to fish and would be harmed if the proposed Pebble Mine were permitted.

9. For work, I have traveled to Bristol Bay about 15 times over the last 9 years. I have done community outreach and made presentations in many communities including Dillingham, Togiak, Twin Hills, Koliganek, Kokhanok, Nondalton, King Salmon and Naknek. The work entailed gathering community input to help develop the Bristol Bay Area Plan Citizens Alternative and conducting public information forums on the Stand for Salmon initiative. For personal recreational purposes, I have had the opportunity to go fly fishing and bear viewing out of King Salmon and upriver on the Naknek, tributaries of the Kvichak and in Katmai National Park. I have visited Bristol Bay watershed for recreational purposes 10 times. Most recently, in 2023, I visited King Salmon and caught a 30-inch rainbow trout on the Naknek River—the largest trout I have ever caught. It was an incredible experience. I plan to return to the Bristol Bay watershed in the summer of 2024 to visit a lodge in King Salmon to go fly fishing for a few days. I hope to return for many years to come.

10. The Bristol Bay watershed represents one of the last remaining places in the world where wild salmon thrive. I have visited the Bristol Bay region many times in both my professional work and for personal recreational purposes. Even though I have fished

in other places in Alaska, the fishing experience in Bristol Bay is extraordinary. I have also had the opportunity to fly-in to remote places for bear viewing. There is nothing like walking a stream, quietly fishing, and observing brown bears doing the same. It is one of my favorite places in Alaska.

11. The plaintiffs in this litigation seek to reverse EPA's important decision protecting the Bristol Bay region, and this would have devastating impacts on Wild Salmon Center and its supporters.

12. I would be personally harmed if the proposed Pebble Mine were permitted. I worry that the Pebble Mine's footprint, infrastructure development and operations will destroy recreational fishing opportunities around the region. I highly doubt that if the mine is built that I will ever have the opportunity to fish in the vicinity of the mine site again or go bear-viewing at remote locations in close proximity to the mine site. From a professional perspective, I fear that if the Pebble Mine is permitted we will lose the most outstanding intact salmon ecosystem on earth. Although many of the negative impacts may not be revealed for many years, the Bristol Bay fishery will likely decline like those in the lower 48 that have experienced massive direct, indirect, and cumulative habitat loss. I also fear that if the proposed Pebble Mine is permitted that other salmon fisheries throughout the state will also be threatened. The political line will forever be blurred between what is acceptable and unacceptable harm to Alaska's salmon fisheries.

13. Wild Salmon Center and our supporters are not adequately represented by EPA in this lawsuit. Wild Salmon Center has been involved in this fight for over a decade. While we agree with EPA's recent decision, we were disappointed when the agency reversed course and withdrew its Proposed Determination after a change in administration in 2017. Agency leadership could change again during the pendency of this lawsuit, especially in light of the upcoming November 2024 election.

14. Wild Salmon Center seeks to intervene in this lawsuit to ensure the Bristol Bay watershed continues to thrive and our interests in the region and its fisheries remain intact. The relief that Plaintiffs seek—vacating the Final Determination—would potentially allow large-scale, harmful mining activities, such as the proposed Pebble Mine, to proceed in the future. This would harm Wild Salmon Center's mission to protect wild salmon strongholds and our supporters' interests in protecting the Bristol Bay watershed—the world's largest remaining sockeye salmon fisheries on earth.

15. Wild Salmon Center has heavily invested in protecting Bristol Bay from the proposed Pebble Mine. It is our highest organizational priority. We believe it is critical to defend the Final Determination and EPA's finding that the proposed Pebble Mine poses unacceptable risks to the Bristol Bay fishery. We would therefore be harmed if the proposed Pebble Mine were permitted and the relief that Plaintiffs seek—vacating the Final Determination—granted. It is important for Wild Salmon Center to be involved in

this lawsuit to ensure our and our supporters' interests are adequately protected and that the Final Determination is allowed to stand.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this ____ day of May 2024 in _____.

Emily Barrett Anderson

DECL. OF EMILY ANDERSON

Page 7 of 7

Northern Dynasty Minerals LTD. v. EPA, Case No. 3:24-cv-00059-SLG